

FEDERAL COMMUNICATIONS COMMISSION

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Federal Communications Commission

DA 00-1674

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. <u>99-144</u> ,
Table of Allotments,	)	RM-9538
FM Broadcast Stations.	)	RM-9747
(Arcadia, Gibsland, and Hodge,	)	RM-9748
Louisiana and Wake Village, Texas) <sup>1</sup>	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: July 19, 2000**

**Released: July 28, 2000**

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Houston Christian Broadcasters, Inc. ("HCBI"), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 7178 (1999), requesting the substitution of Channel 223C3 for Channel 223A at Wake Village, Texas, and the substitution of Channel 231C3 for Channel 223A at Arcadia, Louisiana. HCBI and Charles and Pattie Odom ("Odoms") filed comments supporting the changes at Arcadia and Wake Village. Roy Henderson ("Henderson") and North Louisiana Gospel Assoc. ("North Louisiana") filed comments supporting the allotment of Channel 231C3 at Arcadia and stating their intent to file an application for the channel. Late-filed comments were submitted by William W. Brown in support of the allotment of Channel 231C3 at Arcadia. Counterproposals were filed by Contemporary Communications ("Contemporary") requesting an allotment at Hodge, Louisiana and Baker Creek Broadcasting Company ("Baker Creek") requested an allotment at Gibsland, Louisiana.<sup>2</sup> Reply comments were filed by Baker Creek and Contemporary.

2. Contemporary counterproposed the allotment of Channel 231C2 at Hodge, Louisiana, as that community's first local aural service. In support of its request, Contemporary states that Hodge is an incorporated community located in Jackson Parish, Louisiana, with a population of 562 people. Further, Hodge has its own post office and zip code (71247), its own city hall, police and fire departments, several churches which include Hodge United Methodist Church, Hodge Baptist Church, Hodge Assembly of God and Hodge United Pentacostal Church. Contemporary also states that Hodge has a bank, Hodge Bank & Trust, a school, Hodge Elementary, and various businesses including Hodge Insurance Co., Dollar General, East Side Grocery, Movies Galore and Village Home Apartments. According to Contemporary, Hodge also has its own Southwest Bell telephone exchange

<sup>1</sup> The communities of Gibsland and Hodge, Louisiana, have been added to the caption.

<sup>2</sup> The counterproposals filed by Contemporary Communications (RM-9748) and Baker Creek Broadcasting Company (RM-9747) were put on public notice on October 18, 1999, Report No. 2366.

(259). Contemporary contends that Hodge is a community for allotment purposes and that a first local service at Hodge should be preferred over the substitution of a higher class channel at Wake Village and Arcadia.

3. The counterproposal filed by Baker Creek proposes the allotment of Channel 231C3 at Gibsland, Louisiana. Baker Creek states that Gibsland is located in Bienville Parish, Louisiana, with a population of 1,224 people according to the 1990 U.S. Census. Baker Creek points out that Channel 231C3 can be allotted to Gibsland in compliance with the Commission's spacing requirements and that there is sufficient area available for placing a transmitter. Although Baker Creek initially stated that the requested allotment at Gibsland would provide a first local service to the community, Baker Creek filed comments stating that the allotment would provide a second aural service in the community as it had discovered that there is an outstanding construction permit for Channel 283A at Gibsland.

4. Reply comments were filed by Baker Creek and Contemporary. Baker Creek argues that the proposals for Gibsland and Hodge are superior to the requested upgrade at Wake Village and Arcadia. Baker Creek further argues that although an allotment at Gibsland represents a second service over a first local service at Hodge, Gibsland is the larger community and should be preferred over the proposed Hodge allotment. Contemporary argues that the Village of Hodge meets the Commission's requirements for community status and is deserving of an FM allotment. Contemporary further states that the allotment of Channel 231C2 to Hodge, as a first local service, must be preferred over upgrades at Wake Village, Texas and Arcadia, Louisiana, and over the allotment of a second channel at Gibsland, Louisiana, or Arcadia, Louisiana.

5. On June 28, 2000, Houston Christian Broadcasters, permittee of Station KHTA, Wake Village, Texas, and permittee for the new FM station on present FM Channel 223A at Arcadia, Louisiana, withdrew its Petition for Rule Making.<sup>3</sup> HCBI states that because of other changes in the FM Table of Allotments HCBI can now upgrade Station KHTA, Wake Village, to a C3 facility by application without the need for a substitution at Arcadia.<sup>4</sup> In its petition, HCBI also requested that the construction permit held by the Odoms for a new station at Arcadia, Louisiana, on Channel 223A be upgraded to Channel 231C3. HCBI states that it acquired the construction permit for Channel 223A, Arcadia, on February 23, 2000, and is not interested in upgrading the facility.<sup>5</sup> HCBI states that it withdraws all support for allotments at Wake Village and Arcadia and that it

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<sup>3</sup> In accordance with Section 1.420(j) of the Commission's Rules, Houston Christian Broadcasters, Inc. states that it has neither received any consideration nor paid any consideration to anyone in connection with its withdrawal of its petition for rule making.

<sup>4</sup> See FCC File BMPED-19991022ABW.

<sup>5</sup> See FCC File BAPH-19991005AB.

will not oppose any action taken by the Commission in response to the counterproposals filed in this proceeding.

6. Since HCBI has withdrawn its petition for rule making, no further consideration will be given to HCBI's proposed substitutions for the communities of Wake Village, Texas, and Arcadia, Louisiana. The remaining conflicting proposals at Arcadia, Gibsland and Hodge, will be considered under the guidelines set forth in Revision of FM Assignment and Policies and Procedures, 90 FCC Rcd 2d (1982).<sup>6</sup> Although HCBI has withdrawn its proposal to upgrade Channel 223A at Arcadia to a non-adjacent channel, support was received requesting that Channel 231C3 be allotted to Arcadia as a second local service. The allotment of Channel 231C3 at Arcadia will be compared with the counterproposals filed for Gibsland and Hodge. In order to provide new or additional service for each community, a channel search was performed to determine if additional channels were available for allotment at Arcadia, Gibsland or Hodge. Our staff study indicates that there are no alternate channels available for any of the communities. Therefore, under the allotment priorities set forth in Revision of FM Allotment Policies and procedures, *supra*, we find that the public interest would be best served by the allotment of Channel 231C2 at Hodge, Louisiana, as it will provide a first local service to the community under priority (3) while allotment of the channel to Arcadia or Gibsland would provide a second service under priority (4). While we acknowledge that Hodge has a smaller population than Arcadia or Gibsland, we believe that Hodge is a community for allotment purposes and that the public interest will be served by providing the residents of Hodge, Louisiana, with a first local broadcast service.

7. Channel 231C2 can be allotted to Hodge, Louisiana, in compliance with the Commission's spacing requirements provided there is a site restriction 28.9 kilometers (17.9 miles) southwest of the community.<sup>7</sup> The site restriction will prevent a conflict with Channel 285C3, Station KTOC, Jonesboro, Louisiana, and Channel 230C3 at Bastrop, Louisiana.

8. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 11, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

Community	Channel Number
Hodge, Louisiana	231C2

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<sup>6</sup> The FM allotment priorities are: (1) first fulltime aural service; (2) second fulltime aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).]

<sup>7</sup> The coordinates for Channel 231C2 at Hodge are 32-08-20 and 92-59-04.

9. A filing window for Channel 231C2 at Hodge, Louisiana, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.
10. IT IS FURTHER ORDERED, That the petition for Rule Making filed by by Houston Christian Broadcasters, Inc. (RM-9538), IS DISMISSED.
11. IT IS FURTHER ORDERD, That the counterproposal filed by Baker Creek Broadcasting Company (RM-9747) IS DENIED.
12. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.
13. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 231C2, Hodge, Louisiana, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau